

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. RUPERT GREEN,

Plaintiff,

-against-

THE DEPARTMENT OF EDUCATION OF
THE CITY OF NEW YORK; and THE UNITED
FEDERATION OF TEACHERS,

Defendants.

18-CV-10817 (AT) (GWG)

DECLARATION OF
ORIANA VIGLIOTTI IN
SUPPORT OF MOTION TO
DISMISS THE AMENDED
COMPLAINT

ORIANA VIGLIOTTI, pursuant to 28 U.S.C. § 1746, declares under the penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice law before the courts of the State of New York and this Court.

2. I am of counsel to Robert T. Reilly, attorney for defendant United Federation of Teachers (“UFT”). As such, I am familiar with the facts and circumstances set forth herein.

3. I submit this declaration in support of the UFT’s motion pursuant to Federal Rules of Civil Procedure (“FRCP”) Rules 12(b) (1), (5), and (6) to dismiss the Amended Complaint of Plaintiff Dr. Rupert Green, filed October 22, 2019 in its entirety against the UFT.

4. The UFT is an unincorporated association existing pursuant to the N.Y. General Associations Law that is comprised of nearly 200,000 teachers, school related professionals, and other employees in the City of New York.

5. The UFT is party to a collective bargaining agreement (“CBA”) with defendant Department of Education of the City of New York (“DOE”), as the UFT is the exclusive

bargaining representative for all non-supervisory pedagogical staff members employed by the DOE.

6. Annexed hereto as Exhibit “A” is a true and correct copy of the Decision issued by Justice Arthur Engoron in *Green v. NYC Bd./Dep’t of Educ.*, No. 102017/2016 (Sup. Ct. N.Y. Cty. Feb. 20, 2018).

7. Erie Brewster is a receptionist employed by my office, the New York State United Teachers Office of General Counsel. Ms. Brewster is not employed by the UFT, nor is she authorized to accept service on behalf of the UFT.

WHEREFORE, based upon the foregoing, and for the reasons stated in the accompanying Memorandum of Law in Support of the UFT’s Motion to Dismiss the Amended Complaint, the UFT respectfully request that the Court dismiss the Amended Complaint in its entirety as against them, and for such other and further relief the Court deems just and proper.

Dated: New York, New York
December 11, 2019

By: /s/ Oriana Vigliotti
Oriana Vigliotti